

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                           |   |           |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, | ) |           |
|                           | ) |           |
| Plaintiff,                | ) | 8:03CR290 |
|                           | ) |           |
| v.                        | ) |           |
|                           | ) |           |
| STERLING McKOY,           | ) | ORDER     |
|                           | ) |           |
| Defendant.                | ) |           |
| _____                     | ) |           |

This matter is before the Court on defendant's motion for extension of time (Filing No. 366), filed on October 22, 2007. On August 8, 2007, this Court filed a memorandum opinion (Filing No. 355) and order and judgment (Filing No. 356) denying defendant's motion and amended motions for new trial and motions to vacate, set aside or correct his sentence.

On October 5, 2007, defendant filed a motion to reconsider the denial of his § 2255 motion and his motions for new trial (Filing Nos. 359 and 360). On October 10, 2007, the Court entered an order denying his motion to reconsider and further found that the notice of appeal forwarded by defendant should be deemed timely filed (Filing No. 361).

This case is presently on appeal to the United States Court of Appeals for the Eighth Circuit, and this motion should be addressed to that Court. For these reasons, the motion is moot and will be denied without prejudice. Accordingly,

IT IS ORDERED that defendant's motion for extension of time is denied without prejudice as moot.

DATED this 31st day of October, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court